

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WCT INC.,

Plaintiff,

v.

REPUBLIC OF INDIA, THE EMBASSY OF INDIA
WASHINGTON, D.C., AND MINISTRY OF
EXTERNAL AFFAIRS THROUGH THE EMBASSY OF
INDIA, WASHINGTON, D.C.,

Defendants.

STATE BANK OF INDIA,
NEW YORK BRANCH,

Nominal Defendant.

No. 22-cv-6340

**DECLARATION OF THOMAS E. BUTLER, ESQUIRE PURSUANT TO LOCAL RULE
6.1(d) AND IN SUPPORT OF THE ORDER TO SHOW CAUSE FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

THOMAS E. BUTLER, ESQ., an attorney duly admitted to practice in the State of New York, hereby affirms the following to be true under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am a Partner at the law firm of White and Williams, LLP, attorneys for the Plaintiff, WCT Inc. ("Plaintiff" or "WCT").
2. Unless otherwise indicated, I am personally familiar with the facts set forth herein.

3. I submit this Declaration pursuant to Local Rule 6.1(d) in support of Plaintiff's Motion, via Order to Show Cause, for a Temporary Restraining Order ("TRO") and Preliminary Injunction. A copy of the Complaint is attached hereto.

4. This is an equitable action to recover certain bank guarantees (the "Guarantees") and collateral (the "Collateral") securing the Guarantees that are being improperly held by Defendants at the State Bank of India in New York. The Motion is brought on *ex parte* and by order to show cause because, as set forth in the Declaration of Sonia Boveja, submitted herewith, Plaintiff seeks to prevent Defendants from drawing on the Guarantees and disbursing the Collateral as they have already threatened to do. In the absence of a TRO pending a hearing or even the providing of advance notice of the instant TRO application, there is a substantial risk that Defendants could act upon their threats, draw on the Guarantees and transfer the relevant funds out of the jurisdiction, which would undermine, if not completely eviscerate, the request for relief in this action. Thus, there is a danger of immediate and irreparable harm absent entry of a TRO or even notice that a TRO application has been made.

5. No prior application for this relief or similar relief has been made by Plaintiff.

Declared under penalties of perjury.

Dated: New York, New York
July 26, 2022

A handwritten signature in black ink, appearing to read "Th E Butler", is written over a horizontal line.

Thomas E. Butler, Esquire